

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BARSOUM S. ISRAEL

Plaintiff,

v.

DEAN R. SMITH

Defendant.

Civil Action No. 13-cv-0097 (PGS)

VERDICT SHEET

We, the jury, unanimously find:

I. EXCESSIVE FORCE

1. Do you find that Israel proved by a preponderance of the credible evidence that Smith committed an act that violated Israel's Fourth Amendment right not to be subject to excessive force, and that Israel's injuries were proximately caused by Smith's act?

Answer: Yes _____ No ☒

(If you answered "no" to this question, proceed to Section II. If you answered "yes" proceed to questions 2 and 3.)

2. If you answered "yes" to question 1, has Israel proved by a preponderance of credible evidence that he is entitled to an award of compensatory damages against Smith for use of excessive force?

Answer: Yes _____ No _____

(Note: If you answered "no" to question 2, and "yes" to question 1, Israel is entitled to nominal damages of \$1.00 for the violation of a constitutional right.)

3. Do you find that Israel has proved by a preponderance of the credible evidence that he is entitled to an award of punitive damages against Smith for the use of excessive force?

Answer: Yes _____ No _____

II. ASSAULT AND BATTERY

4. Do you find that Israel proved by a preponderance of the credible evidence that Smith committed assault, battery, or both, against Israel, without legal justification; and that his injuries were proximately caused by Smith's act?

Answer: Yes _____ No ☒

(If you answered "no" to this question, proceed to Section III. If you answered "yes" proceed to questions 5 and 6.)

5. Do you find that Israel proved by a preponderance of the credible evidence that he is entitled to an award of compensatory damages against Smith for either assault, battery, or both?

Answer: Yes _____ No _____

6. Do you find that Israel has proved by a preponderance of credible evidence that he is entitled to an award of punitive damages against Smith for either assault, battery, or both?

Answer: Yes _____ No _____

III. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

7. Do you find that Israel has proved by a preponderance of credible evidence that Smith intentionally acted to produce emotional distress in a manner that was outrageous and so extreme to be beyond all possible bounds of decency, and that his injuries were proximately caused by Smith's act?

Answer: Yes _____ No ☒

(If you answered "no" to this question, proceed to Section IV. If you answered "yes" proceed to questions 8 and 9)

8. Do you find that Israel proved by a preponderance of the credible evidence that he is entitled to an award of compensatory damages against Smith for intentionally inflicting emotional distress?

Answer: Yes _____ No _____

9. Do you find that Israel has proved by a preponderance of credible evidence that he is entitled to an award of punitive damages against Smith for intentionally inflicting emotional distress?

Answer: Yes _____ No _____

IV. DAMAGES

10. If you have found that Israel has proven that he is entitled to damages, under any of the counts above, what amount ought to be awarded:

Compensatory Damages

\$ _____

Nominal Damages

\$ _____

(see Note below (Question 2))

Punitive Damages

\$ _____

Date 5/18/2018

Signed: _____

Time 2:25 PM

Jury Foreperson